

**Draft MEETING MINUTES
CITY OF MILPITAS**

Minutes of: Regular & Special Meetings of Milpitas City Council
Date: Tuesday, August 18, 2015
Time: 5:30 PM Special Meeting Closed Session
6:00 PM Closed Session / 7:00 PM Open
Location: Council Chambers, Milpitas City Hall,
455 East Calaveras Blvd., Milpitas

CALL TO ORDER

Mayor Esteves called the meeting to order at 5:30 PM for the Special Meeting Closed Session, to be immediately followed by Closed Session of the Regular Meeting. City Clerk noted the roll.

PRESENT: Mayor Esteves, Vice Mayor Montano, Councilmembers Giordano and Grilli

ABSENT: Councilmember Barbadillo was absent at roll call. He arrived for Closed Session at 5:40 PM.

CLOSED SESSION

City Council convened in Closed Session to discuss Public Employee Hiring (City Attorney) at 5:30 PM and several litigation matters at 6:00 PM.

City Council then convened in Open Session at 7:16 PM.

ANNOUNCEMENT

No announcement out of closed session for the Special and Regular meeting items.

PLEDGE

Boy Scouts Troop No. 92 presented the flags and led the pledge of allegiance.

INVOCATION

Vice Mayor Carmen Montano read a passage from the bible to start the meeting.

MEETING MINUTES

Motion: to approve the minutes of August 4, 2015 City Council meeting

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

SCHEDULE OF MEETINGS

Motion: to approve Council Calendars/Schedules of Meetings for August and September 2015

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

PRESENTATIONS

Mayor Esteves read from a Proclamation highlighting PG&E's *Call Before You Dig* program, which encouraged contractors or homeowners to call 811 before any property owners dig in their yard, in order to avoid damaging any gas or other utility lines. Mr. Anil Babbar, a PG&E representative, came to the podium to accept the proclamation.

A commendation was presented to the Milpitas Little League baseball team that recently played in the Big League Western Regional championship and placed second. Young men who played on the team appeared with several coaches and their manager to accept the commendation.

PUBLIC FORUM

Dan Manassau, Milpitas resident, asked to remove agenda Item No. 5 from the consent calendar about the Community Garden regulations. He and other participants did not receive notice of the rules changes as promised and he would like to comment.

Rob Means, 1421 Yellowstone resident, discussed transportation between BART and various parts of the City and neighborhoods. He described a transit loop that would help facilitate future transit.

Robert Marini, Milpitas resident, discussed fees and calculations for water and sewer charges and the Proposition 218 process along with hcf calculations for fees.

Don Funch, Milpitas resident, thanked City public works and building staff for quick response to work done on the sidewalk in front of his house. He talked about his involvement with sports in another City. He felt there was a problem with a prior response about senior rates for sewer service, and did not agree with not reducing rates when the number in a household was lower for seniors than others.

Voltaire Montemayor, Milpitas resident, congratulated the Little League players. He mentioned safety was important, especially regarding utilities, and preparation was needed for earthquakes.

Jezzell Marez, from the Crater Lake neighborhood, said it would be helpful to have signs at the entry of City Hall about this meeting. She made comments about several public school issues.

ANNOUNCEMENTS

Councilmember Giordano announced that the City Attorney Subcommittee met yesterday. The outcome was after they reviewed responses to the Request for Proposals from law firms for outside contract legal services was to proceed to interviews by the City Council. She gave a summary of potential cost savings - from \$670,000 to up \$940,000.

Vice Mayor Montano had attended CERT training class by the Milpitas Fire Department over several Saturdays, and graduated recently. She felt prepared for natural disaster response in her neighborhood and encouraged other residents to attend the valuable free training.

Councilmember Grilli mentioned the Emergency Preparedness Commission, and the excellent outreach effort that was done to urge residents to sign up for the CERT training.

ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS

Interim City Attorney Baum asked Councilmembers if they had any personal conflicts of interest or reportable campaign contributions. None were reported.

APPROVAL OF AGENDA

(1) Motion: to amend the agenda by removing agenda item no. 5 on the Community Gardens rules & regulations, and to bring it back two meetings from this evening (on September 15)

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

(2) Motion: to approve the meeting agenda, as amended

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

CONSENT CALENDAR

Motion: to approve the Consent Calendar (items noted with *asterisk), as amended

Vice Mayor Montano requested removal of agenda item No. 6 (Arts grant) from consent.

Mayor Esteves requested removal of agenda item No. 9 (contract for Sports Center Pools repair project) from consent.

Councilmember Grilli left the dais at 8:10 PM and returned shortly thereafter.

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 4
NOES: 0
ABSENT: 1 (Grilli)

- * 3. Commission Appointments Confirmed the following appointments recommended by the Mayor:
- Bicycle Advisory Commission:
Re-appointed Alternate No. 2 William Barnes to a term that will expire in August of 2018.
- Community Advisory Commission:
Appointed Evan Bell as Alternate No. 2 to a term to expire in January of 2017.
Newly appointed George Chen as Alternate No. 3 to a term that will expire in January of 2016.
- Library Advisory Commission:
Re-appointed Sonny Wang to a term that will expire in June of 2017.
Re-appointed Alternate No. 1 Hellie Mateo to a term that will expire in June of 2017.
- Parks, Recreation and Cultural Resources Commission:
Re-appointed Evelyn Ramirez as a regular member to a term that will expire in June 2018.
- * 4. Mabel Mattos Plaque Approved a memorial plaque to be installed near the Alviso Adobe Park's historical farm equipment in memory of Mabel Mattos.
- * 5. Community Garden Rules This item was removed from the agenda and would be heard on September 15.
- * 8. Donation Request Approved request from the Korean Language and Culture Foundation for a \$500 donation to the non-profit group for its Hangeul Day celebration on October 3 at Milpitas Library.
- *10. Agreement with Santa Clara VTA Authorized the City Manager to execute a Subordination and Release Agreement with Santa Clara Valley Transportation Authority along Dixon Landing Road.
- *11. Agreement with Verde Design Inc. Approved and authorized the City Manager to execute an agreement with Verde Design Inc. in the amount of \$325,000 for Project No. 5104, Sports Center Sports Fields Project, subject to approval as to form by the City Attorney.
- *12. Amend Agreement with CSG for Fire Dept. service Authorized the City Manager to execute Amendment No. 5 to the agreement with CSG Consultants, Inc. for Fire Department plan review and inspection services for Fiscal 2015-16 increasing the term of the agreement to September 30, 2015 for the additional amount of \$22,000.
- *13. Agreement with Harris & Associates – utility engineering Authorized the City Manager to execute a consultant agreement with Harris & Associates, Inc. for support services for Utility Engineering and approve a budget appropriation for Capital Improvement Program Projects No. 4265, No. 7076, No. 7118, No. 7123 and No. 7126.
- *14. Common Interest Agreement Authorized the City Manager to execute the Common Interest, Privilege and Confidentiality Agreement with West Valley Sanitation District, Cupertino Sanitary District, County Sanitation District 2-3, and Burbank Sanitary District of the San José/ Santa Clara Regional Wastewater Facility.

UNFINISHED BUSINESS

1. Strategic Plan City Manager Tom Williams introduced Dr. Shawn Spano, the City's consultant from Public Dialogue Consortium who'd been working with employees and the community to develop the draft Strategic Plan for City of Milpitas. Dr. Spano provided the history on

this effort in Milpitas to date, detailing meetings and the outreach he and employees had conducted inside the organization and within the community. He displayed and read aloud the “Community Vision.”

Five Organizational Values were displayed and defined: 1. Superior Services, 2. Open Communication, 3. Integrity & Accountability, 4. Trust & Respect and 5. Recognition & Celebration.

The City was onto Phase 3 of the Strategic Plan, strategic goals and objectives, currently underway. Goal 1: Superior Services. Goal 2: Public Safety. Goal 3: Growth & Economic Development. Goal 4: Community Connections. Goal 5: Regional Partnerships. Goal 6: Environment & Natural Resources. Goal 7: Fiscal Responsibility.

The next step was to identify objectives for those seven goals and finalize them into short, mid and long term stages. The Strategic Plan could enter a potential Phase 4, ongoing assessment with specific workplans (who does what, when in a working document).

Councilmember Giordano stated she was very pleased with the Community Vision statement. She asked about how to measure achievement of the listed goals. Dr. Spano replied that would be determined by the specific workplans for the goals.

Councilmember Grilli commented on building relationships across the organization. She asked about getting the objectives done and gaining momentum to keep going on the Strategic Plan efforts.

Vice Mayor Montano said the plan so far did not mention anything about families, per se, in the goals. She wanted fostering more youth programs and venues in the Strategic Plan. Hosting more multi-cultural events was needed, she felt. Public Safety was related to transportation and needed to focus on this, with a circulation study, since traffic congestion continued to be a big issue in Milpitas.

Mayor Esteves said priorities must be addressed. He asked if goals were mutually exclusive and could the goals be associated with the budget, especially when discussing programs. He asked about the term “Superior “ and how one would know, possibly by comparison to other cities as a measurement. He had concerns about applying this to goals that were long term, as the entire Strategic Plan ought to be.

Councilmember Barbadillo asked if there was a strategic plan done before. Dr. Spano replied no. City Manager Williams commented that there had been a written mission statement in the past (in the budget).

Next, Mayor Esteves invited comments from the audience.

Robert Marini, Milpitas resident, heard a comment on not enough diversity which he did not understand. Recent activity supported diversity and respected the residents of Milpitas. He had comments on traffic and felt some of the Council was just showboating.

Voltaire Montemayor, Milpitas resident, referred to the strategic plan goals. These go hand in hand with a need to measure or survey with field observers and to be in synch.

Rob Means, 1421 Yellowstone, had been interviewed in this process, and was quite pleased with the results. He remarked on where Personal Rapid Transit (PRT) would fit into the plan. Good infrastructure was necessary, he stressed.

Jezzell Marez, Milpitas resident, said God was really amazing her today and then remarked on technology and ethics.

Mayor Esteves mentioned several options for every aspect of the strategic plan goals. It was not able to satisfy every suggestion that the Council had received. Of course, the City

Council must decide ultimately, after addressing any issues.

Motion: to approve the City of Milpitas Community Vision, Organizational Values and Strategic Goals for the City of Milpitas Strategic Plan, as presented by the City Manager and consultant

Motion/Second: Councilmember Grilli/Councilmember Giordano

Motion carried by a vote of: AYES: 5
NOES: 0

2. Milpitas Community Television RFP response

Information Services Director Mike Luu provided background history on the request for proposals (RFP) process for the operation of government cable television channel 26. One vendor responded to the request, KMTV from Mountain View. Mr. Luu stated the specified goals and objectives of the RFP.

Vice Mayor Montano asked how KMTV funded its station. Staff replied it managed stations for five cities, so those cities pay KMTV to broadcast the public meetings.

Councilmember Giordano asked Vice Mayor Montano about her concern regarding fundraising. Ms. Montano thought about the television station applying for grants to stay in existence.

Councilmember Barbadillo sought data on viewership. Mr. Luu explained that the City could not obtain that data from Comcast. He did report that on a monthly basis, the station got about six or seven DVDs with a request to broadcast. Demand for service was not really very high for a local cable station. Commercial paid advertising was not permitted on the local public cable channel.

Mayor Esteves asked who was behind MCTV. Staff explained that it was operated by a local non-profit corporation with a Board of Directors, a volunteer body. The Mayor asked if staff would return to the City Council with terms of a new agreement, and Mr. Luu said yes.

Councilmember Giordano left the dais 9:25 PM and returned a short while later.

Vice Mayor Montano inquired about the non-profit organization. Staff said that in the new agreement, the City could ask for an audit report or other data from the Board of the television station. The Vice Mayor thought the City should have a right to make sure money was spent properly.

Mayor Esteves asked about outreach for more viewers. Board members would go to events and to businesses to let more of them know about programming opportunities on the station.

Telecommunications Commission Chair Albert Alcorn addressed the Council about the existing agreement, when Comcast first funded the television studio from the start. The MCTV non-profit took over basic operation of the channel, following input from the Telecommunication Commissioners.

Telecommunications Commissioner Kurt Bohan pitched the idea of a public access station early on before he was a member. He had serious concerns now about making a deal with the current MCTV Board because significant reforms were needed, he stated.

Mayor Esteves then asked for comments from the audience.

Robert Marini, Milpitas resident, said he had been trying to schedule time to learn the equipment but could not do so. There was no momentum, while he believed there were ways to raise funds for the tv station.

Jezzell Marez, Milpitas resident, said this all goes along with the theatre. There was a need to stop raises on salaries and have money strategies. Money principles for the budget were important, and the city needed \$1 million for two theaters.

Voltaire Montemayor, Milpitas resident, said this was a big advantage for us. The City needed to renegotiate a contract for the public access station, which was good for students.

Vice Mayor Montano was perplexed about some of what the speakers brought to light. Reform or restructuring was needed in a new contract. She thought there was a need for more diversity on the Board of Directors of MCTV and better communication.

Motion: to approve the staff recommendation for the operation of the community access television channel 26 and to renegotiate a new agreement with MCTV, including additional goals and scope of work, as stated in the Request for Proposals

Vice Mayor Montano remarked that her motion was made with authority to make sure some of that language was there for internal safeguards and accountability (staff noted that was in MCTV By-laws), with cohesiveness and to restructure the Board of Directors.

Mayor Esteves stated he wanted a review of the by-laws of the MCTV organization.

Motion/Second: Vice Mayor Montano/Councilmember Barbadillo

Motion carried by a vote of: AYES: 4
NOES: 1 (Grilli)

Councilmember Grilli was reluctant to support the motion because there was enough concern expressed at this meeting.

REPORTS

Three items were approved on the consent calendar.

6. Arts Grant to Evelyn Chua

Vice Mayor Montano saw that grant applicant Evelyn Chua was in the audience, so Ms. Montano wanted to give Mrs. Chua a chance to advocate for the grant and her program.

Ms. Chua came to the podium to request a grant to help produce and promote her program for a movie showing of “Delano Manongs” at the Senior Center, a multi-cultural event during the Filipino-American month of October. She described the movie, about Filipino workers who lead the effort to form the United Farm Workers with Cesar Chavez in central California. She thanked Recreation staff Renee Lorentzen and Jaime Chew.

Motion: to approve the Milpitas Arts and Culture Grant application and award a grant for in-kind performance space and City staff support to Evelyn Chua for her movie screening event to be held on October 10, 2015 at the Barbara Lee Senior Center

Motion/Second: Vice Mayor Montano/Councilmember Grilli

Motion carried by a vote of: AYES: 5
NOES: 0

7. Telecommunications Commission workplan

Information Services staff Eliren Pasion provided an introduction and overview of the Milpitas Telecommunications Commission, first formed in 1994. He then introduced Chair Albert Alcorn, who presented the programs and projects for the coming year that Commissioners planned to address.

Councilmember Grilli was Council liaison to the Emergency Preparedness Commission, and so was pleased that the Android version of “MyMilpitas” application was nearly ready and asked when it would be available to the public. Also she noted that registering home security cameras (to help the police department) was a very simple process.

Mayor Esteves asked the status of wifi (wireless communication) service in the City. The most recent service offered here was dead, reported Chair Alcorn. The former Silicon Valley Unwired was no longer in existence and was not supported anywhere. So, the Mayor asked about the Commission's goal for a city-wide wifi program.

Staff Mike Luu responded that within the Request for Proposals for future service was the requirement for a very fast, new model. It would be "single hop" on a fiber network, unlike what most cities had available. Mayor Esteves pressed staff for a date when wifi would be available for residents, while staff explained there were many factors.

Councilmember Barbadillo fully supported the workplan. On the wifi topic, he'd heard a presentation on this topic at the Commission meeting and it included terms for a new RFP to require removal of old equipment still installed around the city. Planned paid service via ultra-fast fiber capacity was something to look forward to.

Vice Mayor Montano asked about the wifi being city-wide on all city streets and neighborhoods. She suggested a school partnership to help lower income families to have internet available at home for school kids.

Next, Mayor Esteves invited speakers from the audience.

Jezzell Marez, Milpitas resident, had been studying the bible, was marketing having a business with a community of investors. She discussed capacity for internet service and its speed.

Robert Marini, Milpitas resident, felt that new technology for the City was a good thing. He asked if the public could participate in the development in any way, in those efforts.

Motion: to receive a report on the Telecommunications Commission workplan for FY 2015-16 from the Commission Chair and Information Services Director

Motion/Second: Councilmember Giordano/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

NEW BUSINESS

One item was approved on the consent calendar.

RESOLUTION

9. Resolution

Mayor Esteves wanted to know about the closing of the swimming pools at Milpitas Sports Center and whether there had been enough notice to current pool users. Recreation Services Manager Renee Lorentzen replied, describing the many manners in which notices had been up at the Sports Center since the spring and sent out to pool swimmers.

Councilmember Barbadillo asked how many pools this would affect, and staff replied three. He asked detailed questions about the costs for the project and sought information about transporting of the water from the pools and those costs. Staff responded.

Mayor Esteves asked for comments from the audience.

Jezzell Marez, Milpitas resident, talked about by-laws, the land, projects and engineering, projects and users, and the internet.

Motion: to adopt Resolution No. 8498 awarding a contract to California Commercial Pools, Inc. and authorize the City Manager to execute the contract for the Sports Center Pool Repairs Projects No. 3408 and No. 5103 in the amount of \$1,441,000; and, authorizing the Director of Engineering/City Engineer to execute contract change orders

for Milpitas Sports Center Pool Repairs in the cumulative amount not to exceed \$144,100

Motion/Second: Mayor Esteves/Vice Mayor Montano

Motion carried by a vote of: AYES: 5
NOES: 0

AGREEMENTS

Five items were approved on the consent calendar.

ADJOURNMENT

Mayor Esteves adjourned the City Council meeting at 10:58 PM.

*Meeting minutes respectfully submitted by
Mary Lavelle, City Clerk*